

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF JOANNE) APPEAL NO. 07-A-2113
DANIELS from the decision of the Board of) FINAL DECISION
Equalization of Ada County for tax year 2007.) AND ORDER

RESIDENTIAL PROPERTY APPEAL

THIS MATTER came on for hearing Tuesday, September 18, 2007, in Boise, before Chairman Officer Lyle R. Cobbs and Hearing Officer Sandra Tatom. Board Member David E. Kinghorn and Linda S. Pike participated in this decision. Appellant JoAnne Daniels appeared. Chief Deputy Assessor Tim Tallman and Appraisers Jon Winther and Alan Smith appeared for Respondent Ada County. This appeal is taken from a decision of the Ada County Board of Equalization denying the protest valuation for taxing purposes of property described as Parcel No. R9410800240.

The issue on appeal is the market value of a residential property.

The decision of the Ada County Board of Equalization is reversed.

FINDINGS OF FACT

The assessed land value is \$69,000, and the improvements' valuation is \$125,300, totaling \$194,300. Appellant requests the total market value be \$187,900.

The subject property is a 1,433 square foot residence with three bedrooms and two and one half bathrooms located in Boise, Idaho. The residence was built in 2002.

Taxpayer presented a Uniform Residential Appraisal to demonstrate a different square footage than the County had on record for subject. The Assessor agreed subject's square footage is 1,433.

Appellant described subject as a low cost, entry level residence built for first time home buyers. Many of the residences in subject's subdivision were purchased by investors and are

currently rental properties.

The taxpayer presented three sales in subject's subdivision that occurred in January, 2006:

NO.	SQUARE FEET	SALES PRICE
1	1,400	\$173,760
2	1,390 (next door to appellant)	\$184,900
3	1,410	\$189,500*

* Completely refurbished after fire.

Appellant maintained homes in subject's subdivision were not selling and the only comparable sales occurred in January 2006.

Appellant stated comparable No. 2 (next door to subject) had been on the market for six months at the listed price of \$189,900 and had not sold.

Respondent presented three comparable sales similar in size and age to subject. To arrive at an indicated value for subject, the County used a Sales Comparison Grid illustrating adjustments to the sales for date of sale and any physical differences. Since the sales took place in the first half of 2006 the Assessor applied a 1.34% appreciation increase per month from the date of sale to arrive at an adjusted sales price. The adjusted sale prices ranged from \$140 to \$150 per square foot. Subject's assessed value is \$129.71 per square foot.

Respondent submitted a plat map of the lots surrounding subject to demonstrate the uniformity of assessed land values in subject's subdivision.

The County also presented a paired sales chart to demonstrate that sales in subject's subdivision during 2002 and 2006 had a median increase of 16.14% annually.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Idaho Code § 63-201(10) defines market value:

“Market value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Appellant did an excellent job of researching and presenting information to the Board. Appellant's presentation included 2006 sales from subject's subdivision. The sales took place in January 2006. Appellant found no sales that took place in the subdivision after January 2006. Appellant presented information showing homes are not selling in subject subdivision.

Appellant's appraisal report demonstrated the square footage recorded by the Assessor was incorrect and some adjustment should be made for the square foot discrepancy.

The Board found the most convincing evidence to be the square footage that the Assessor was basing the assessed value on to be incorrect and therefore an adjustment should be made for the difference. An assessed value of \$129.71 per square foot applied to the correct square footage would amount to an \$8,430 difference. No adjustments were made after a correction was made to the square footage of subject.

Based on the information in the record, we find it more probable than not that subject property is valued in excess of market value because of the incorrect square footage used by the Assessor.

The Board therefore reverses the decision of the Ada County Board of Equalization.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Ada County Board of Equalization concerning the subject parcel be, and the same hereby is, **reversed, lowering the assessed value to \$187,900.**

IT IS FURTHER ORDERED that any taxes which have been paid in excess of those determined to have been due be refunded or applied against other *ad valorem* taxes due from Appellant.

MAILED JANUARY 4, 2008